

# Parliamentary Reference Sources: Senate

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## Summary

The Senate's procedures are determined not only by its standing rules, but also by its standing orders, published precedents, committee rules, and informal practices. Constitutional mandates and rule-making statutes also impose procedural requirements on the Senate, and rules of Senate party conferences can sometimes affect committee and floor action. Parliamentary reference sources set forth the text of these authorities or provide information about how and when they govern different parliamentary situations. This report discusses the coverage, format, and availability of three types of Senate parliamentary reference sources: official sources such as the *Senate Manual* and *Riddick's Senate Procedure*; publications of committees and offices of the Senate; and rules of party conferences. The report also reviews some key principles of Senate parliamentary procedure that bear on appropriate use of these sources. Summaries and appendices provide citations to print and electronic versions, and list related Congressional Research Service (CRS) products.

The Senate sets forth its chief procedural authorities in the *Senate Manual*, a new edition of which appears periodically as a Senate Document and is distributed to Senators' and committee offices. Among these authorities, the Senate also publishes its Standing Rules as a separate document, and the Constitution is available in an annotated edition prepared by CRS. The *Manual* also contains more specialized authorities, such as permanent standing orders, rules for impeachment trials, and a manual of procedures related to House-Senate conferences. Other Senate procedural authorities include *Riddick's Senate Procedure*, last published in 1992 but with online updates, which offers a topically ordered digest of precedents interpreting Senate procedures and standard forms for procedural action.

The Senate also often regulates itself through orders entered by unanimous consent, either as standing orders or for the consideration of individual measures; these can often most readily be found in the *Congressional Record*. Some statutes contain "rule-making" provisions that act as procedural authorities, though no Senate source compiles all of them. Each committee adopts its own written rules, which are published in the *Record* and compiled, in each Congress, in *Authority and Rules of Senate Committees*, a print of the Committee on Rules and Administration. Other Senate committee prints, which provide supporting information on elements of Senate procedure, include *Budget Process Law Annotated*, the *Senate Cloture Rule*, and *Treaties and Other International Agreements*. The parliamentarians in both chambers have prepared concise summary documents on procedure in the legislative process. In the Senate, currently only the Republican Conference appears to have adopted written rules.

This report assumes a basic familiarity with Senate procedures. It will be updated to reflect the appearance of new editions of the documents discussed and to address substantial changes in their content and availability. Information about House parliamentary reference sources is provided in CRS Report RL30787, *Parliamentary Reference Sources: House of Representatives*, by Richard S. Beth and Megan Suzanne Lynch.

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## Introduction

The Senate's procedures are not based solely on its standing rules. The foundations of Senate procedure also include the body's standing orders, published precedents, rule-making statutes, committee rules, and informal practices. Constitutional mandates also impose procedural requirements on the Senate, and rules of the Senate's party conferences can sometimes affect committee and floor action.

Various reference sources provide information about how and when these foundations of Senate procedures govern specific parliamentary situations. This report discusses the contents, format, and availability of reference sources that provide information about contemporary procedures in the Senate. It covers three types of parliamentary reference authority:

- official documents that set forth Senate rules, precedents, or other sources of parliamentary authority, such as the *Senate Manual*, *Riddick's Senate Procedure*, rule-making statutes, and the rules adopted by Senate committees;
- publications on procedure from committees and offices of the Senate (e.g., *Enactment of a Law*, a document prepared by the Senate Parliamentarian); and
- rules of the Senate's party conferences.

Before describing the individual parliamentary reference sources that fall into each of these groups, this report reviews some principles of Senate parliamentary procedure that are applicable when using and evaluating information from these sources.

The report next takes up the Senate's official parliamentary reference sources. These are documents that set forth authoritative statements of Senate rules, procedures, and precedents. Senators often cite these official reference sources when raising a point of order or defending against one. This report discusses the following procedural authorities:

- *Senate Manual*;
- *Standing Rules of the Senate*;
- Permanent standing orders of the Senate;
- Rules for Regulation of the Senate Wing of the Capitol;
- Rules for Impeachment Trials;
- Cleaves' Manual on Conferences;
- Laws Relating to the Senate;
- the Constitution;
- *Riddick's Senate Procedure*;
- rule-making statutes;
- Standing orders of the Senate adopted by unanimous consent;
- unanimous consent agreements; and
- committee rules.

Following the description of each authority, a box presents information on how to consult the source, including any versions available through the Internet. Names of websites are listed in bold type. Many of the descriptions are also accompanied by sample pages excerpted from the printed version of the official source documents in which they appear, which show the format of the document and are annotated to indicate special features and components. Although some of these

excerpts are not drawn from the most recent edition of the source in question, they illustrate the same format and other features retained in the current editions.

A number of additional publications of committees and other offices of the Senate, which do not themselves constitute parliamentary authorities of the Senate, nevertheless provide background information on those parliamentary authorities and guidance on their use. Those discussed in this report include:

- *Budget Process Law Annotated*;
- *Senate Cloture Rule*;
- *Treaties and Other International Agreements*;
- *Enactment of a Law*; and
- *How Our Laws Are Made*

The rules of the party conferences are also included within the scope of the report because, although they do not themselves govern Senate proceedings, their provisions may nevertheless have effects on those proceedings. The report presents a description of each parliamentary reference source in these groups, and each description is, again, followed by a box presenting information on how to consult the source, including its availability on the Internet.

Two appendices summarize the information on access presented in the boxes throughout the report. **Appendix A** furnishes citations for each reference source described in this report and for relevant Congressional Research Service (CRS) products. A summary of Senate parliamentary reference information available through the Internet is provided in **Appendix B**.

Official guidance on Senate procedure is available from the Office of the Senate Parliamentarian. CRS staff also can assist congressional clients with clarifying Senate rules and procedures.

## Principles of Senate Parliamentary Practice

The Senate applies the regulations set forth in its various parliamentary authorities in accordance with several principles that remain generally applicable across the entire range of parliamentary situations: Among these principles may be listed the following: (1) Senate procedures derive from multiple sources; (2) the Senate has the constitutional power to make its own rules of procedure; (3) Senators often must initiate enforcement of their rules; (4) the Senate conducts much of its business by unanimous consent; (5) the Senate usually follows its precedents; and (6) the Senate adheres to many informal practices. Each of these principles is discussed below.

### Multiple Sources of Senate Procedure

The standing rules of the Senate may be the most obvious source of Senate parliamentary procedure, but they are by no means the only one. Other sources of Senate procedures include

- requirements imposed by the Constitution, particularly those in Article I, Section 5;
- standing orders of the Senate;
- precedents of the Senate;
- statutory provisions that establish procedural requirements (hereafter referred to as “rule-making statutes”);
- rules of procedure adopted by each committee;

- rules of the Senate’s party conferences;
- procedural agreements entered into by unanimous consent; and
- informal practices that the Senate adheres to by custom.

In order to answer a question about Senate procedure, it often is necessary to take account of several of these sources. For example, Rule XIX of the Senate’s standing rules provides that “the presiding officer shall recognize the Senator who shall first address him.”<sup>1</sup> When several Senators seek recognition at the same time however, there is precedent that “priority of recognition shall be accorded to the majority leader and minority leader, the majority manager and minority manager, in that order.”<sup>2</sup> This precedential principle sometimes can have significant consequences on the Senate floor. For example, it gives the majority leader the opportunity to offer the debate-ending motion to table, or to propose second-degree amendments to “unfriendly” first-degree amendments.

## Constitutional Rule-Making Authority of the Senate

Article I of the Constitution gives the Senate the authority to determine its rules of procedure. There are two dimensions to the Senate’s constitutional rule-making authority. First, the Senate can decide what rules should govern its procedures. The Senate exercises this rule-making power when it adopts an amendment to the standing rules, or creates a new standing rule, by majority vote. The Senate also uses its rule-making power when it creates standing orders, and when it enacts rule-making provisions of statutes such as the Congressional Budget and Impoundment Act of 1974. Standing orders and rule-making provisions of law have the same standing and effect as the Senate’s standing rules because all are created through an exercise of the Senate’s constitutional rule-making authority.

The second dimension to the Senate’s rule-making authority is that the chamber can decide when its rules of procedure should not govern. In practical terms, this means the Senate can waive its rules by unanimous consent. Under a provision of Senate Rule V, the body can also suspend its rules by a two-thirds vote, although this course is procedurally difficult and rarely taken. The Senate has no established means to supersede its rules by majority vote, an option that is available to the House through the adoption of a “special rule.”<sup>3</sup> The Senate can achieve the effect of waiving a rule if a majority votes to overrule a decision of the presiding officer to sustain a point of order, or not to sustain a point of order that the presiding officer has submitted to the full body for decision.<sup>4</sup> Action of this kind, however, not only sets the rule aside for the immediate situation, but thereby establishes a precedent that will govern subsequent rulings of the presiding officer interpreting the meaning and applicability of that rule. In some cases, decisions of the Senate on points of order have had the effect of rendering a rule unenforceable in its previous generally accepted sense.

<sup>1</sup> Rule XIX, in U.S. Congress, Senate, *Senate Manual*, S. Doc. 107-1, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., prepared by Committee on Rules and Administration (Washington: GPO, 2002), sec. 19.

<sup>2</sup> Floyd M. Riddick and Alan S. Frumin, *Riddick’s Senate Procedure: Precedents and Practices*, S.Doc. 101-28, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 1992), p. 1098.

<sup>3</sup> Special rules are resolutions reported by the House Rules Committee that usually specify how a measure is to be considered on the floor. Once the House adopts a special rule by a majority vote, it governs consideration of the measure. Special rules often waive procedural requirements imposed by the rules of the House or rule-making statutes.

<sup>4</sup> Section 904 of the Congressional Budget Act establishes a procedure by which the Senate can vote to waive certain budget-related prohibitions and requirements in an individual case by majority vote or by a three-fifths vote of all Senators.

## Enforcing the Senate Rules and Precedents

The Senate's presiding officer (whether it is the Vice President or a Senator of the majority party) does not always call to the chamber's attention that a violation of Senate rules is taking place.<sup>5</sup> The Senate often can violate its procedures unless a Senator makes a point of order, at the right moment, that the proposed action violates the standing rules or precedents, a constitutional provision, or a source of procedure that has the same authority as a standing rule (i.e., standing order, rule-making statute, or unanimous consent agreement).

When a point of order is raised, the presiding officer usually makes a ruling without debate. Under Rule XX, the presiding officer has the option of submitting "any question of order for the decision of the Senate." He rarely does this, but may do so if the existing rules and precedents do not speak clearly on the parliamentary question at hand. In such cases, the presiding officer will often invite debate on the question of order.

The presiding officer must submit two types of questions of order to the Senate for it to decide. First, under Rule XVI, paragraph 4, the Senate decides questions concerning the germaneness or relevance of most amendments to appropriations bills, and does so without debate. Second, according to the Senate's precedents, the Senate is to decide all constitutional questions, with debate usually allowed.<sup>6</sup> This practice rests on the principle that the presiding officer possesses authority only over the interpretation of procedures established by the Senate, and only the Senate itself possesses any such authority in relation to the Constitution.

Any Senator can appeal the ruling of the presiding officer on a question of order. The Senate then decides, usually by majority vote, to uphold or overturn the presiding officer's decision. This vote usually establishes a precedent that guides the presiding officer in deciding future questions of order, unless and until this precedent is overturned by another decision of the Senate or by a rules change. Some rulemaking statutes require a super-majority vote to overturn on appeal the presiding officer's ruling on a point of order.<sup>7</sup>

Senators are much more likely than Representatives to appeal decisions of their presiding officer. This difference in the practices of the two chambers arises largely because the officer who presides over the proceedings of the House of Representatives is either the Speaker of the House, who is the elected leader of the majority party, or her designee. An appeal of the decision of the chair on a point of order could thus be viewed as a vote against the Speaker's leadership. This situation does not arise in the Senate, because the constitutional presiding officer of the Senate is the Vice President, who is not elected as a leader of a Senate majority.

Parliamentary actions taken on the basis of an informal practice, or a rule of one of the Senate's party conferences, are not enforceable on the Senate floor. While informal practices and party conference rules can affect Senate committee and floor action, they are not invoked through an exercise of the Senate's constitutional rule-making authority; hence, they do not have the same authority as Senate rules and procedures. Informal practices evolve over the years as custom, and party conference rules are adopted and enforced by each party.

<sup>5</sup> An important exception occurs when the Senate is operating under cloture. When this happens, the precedents provide that the presiding officer has the authority to rule all dilatory motions out of order on his own initiative. See Senate Rule XXII, paragraph 2, in *Senate Manual*, sec. 22.2.

<sup>6</sup> *Riddick's Senate Procedure*, pp. 989 and 1491-1492.

<sup>7</sup> For examples of provisions that would require such a super-majority, see Section 904(d) of the Congressional Budget Act, P.L. 93-344 as amended, (2 U.S.C. 621 note)



## The Senate's Reliance on Unanimous Consent

The Senate's Standing Rules emphasize the rights of individual Senators, in particular by affording each Senator the right to debate at length and the right to offer amendments even if they are not relevant to the bill under consideration. It would be impossible for the Senate to act on legislation in a timely fashion if Senators always exercised these two powerful rights. For this and other reasons, the Senate often agrees by unanimous consent to operate outside its standing rules.

In practice, Senate business is frequently conducted under unanimous consent agreements, known as "time agreements" when they include limits on the time for debating measures, amendments, motions or other questions. These agreements also may structure the amendment process and require the germaneness or relevance of amendments. Unanimous consent agreements may be used to bring up a measure,<sup>8</sup> to define how the measure will be considered on the floor, and to control how the Senate will consider individual amendments.

Given the fact that it takes only one Senator to object to a unanimous consent agreement, each agreement is carefully crafted by the majority leader, in consultation with the minority leader, leaders of the committee that reported the bill in question, and other Senators who have indicated a particular interest in the legislation. The agreement is then formally propounded on the floor, usually again by the majority leader, and takes effect if no Senator objects. Once entered into, a consent agreement has the same authority as the Senate's standing rules and is enforceable on the Senate floor. Consent agreements have the effect of changing "all Senate rules and precedents that are contrary to the terms of the agreement."<sup>9</sup> One could argue that these agreements are even stronger than the standing rules because once entered into, they can be altered only by a further unanimous consent; this is a more rigorous threshold than the majority vote requirement for changing the Senate's standing rules.

## The Importance of Precedents

The published precedents of the Senate expound the ways in which the Senate has interpreted and applied its rules. The precedents both complement and supplement the rules of the Senate. As illustrated earlier by the example of according priority recognition to the majority leader, the close interplay between the precedents and the standing rules often makes it necessary to consult the precedents for guidance on how rules are to be understood. The brevity of the Senate's standing rules often makes the body's precedents particularly important as a determinant of proceedings.

Precedents are analogous to case law in their effect. Just as attorneys in court will cite previous judicial decisions to support their arguments, Senators will cite precedents of the Senate to support a point of order, or defend against one, or to argue for or against an appeal of the presiding officer's ruling on a point of order. Similarly, the presiding officer will often support his or her ruling by citing the precedents. In this way, precedents influence the manner in which current Senate rules are applied by relating past decisions to the specific case before the chamber.

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<sup>8</sup> A body of precedents has developed on how unanimous consent agreements are to be interpreted and applied in different procedural situations. These precedents are covered in *Riddick's Senate Procedure*, pp. 1311-1369. The majority leader often calls up a measure by unanimous consent rather than by offering a motion to proceed to consideration of the measure. The motion to proceed is usually debatable, and hence open to a filibuster.

<sup>9</sup> *Riddick's Senate Procedure*, p. 1311.



Precedents usually are established when the Senate votes on questions of order (i.e., on a point of order that the presiding officer has submitted to the body, or on whether to uphold or overturn a ruling of the presiding officer), or when the presiding officer decides a question of order and this ruling is not appealed. Historically, the Senate follows such precedents until “the Senate in its wisdom should reverse or modify that decision.”<sup>10</sup> Precedents also can be created when the presiding officer responds to a parliamentary inquiry.

Precedents do not carry equal weight. Inasmuch as the Senate itself has the ultimate constitutional authority over its own rules, precedents reflecting the judgment of the full Senate are considered the most authoritative. Accordingly, precedents based on a vote of the Senate have more weight than those based on rulings of the presiding officer. Responses of the presiding officer to parliamentary inquiries have even less weight, because they are subject to no process of appeal through which the full Senate could confirm or contest them. In addition, more recent precedents generally have greater weight than earlier ones, and a precedent that reflects an established pattern of rulings will have more weight than a precedent that is isolated in its effect. All precedents also must be evaluated in the historical context of the Senate’s rules and practices at the time the precedents were established. Senators seeking precedents to support or rebut an argument may consult the Senate Parliamentarian’s Office.

## **The Senate’s Unofficial Practices**

Some Senate procedural actions are based on unofficial practices that have evolved over the years and become accepted custom. These practices do not have the same standing as the chamber’s rules, nor are they compiled in any written source of authority. Although these unofficial practices cannot be enforced on the Senate floor, many of them are well established and customarily followed. Some contemporary examples of unofficial practices include respecting “holds” that individual Senators sometimes place on consideration of specific measures, and giving the majority leader or his designee the prerogative to offer motions to proceed to the consideration of a bill, to recess, or to adjourn.

## **The *Senate Manual* and Authorities it Contains**

### **Senate Manual**

The *Senate Manual* compiles in a single document many of the chief official parliamentary authorities of the Senate, several of which are not readily available in any other current publication.<sup>11</sup> The publication, prepared under the auspices of the Senate committee on Rules and Administration, appears periodically in a new edition as a Senate Document. The current edition, which was issued in the 107<sup>th</sup> Congress, contains the text of the following parliamentary authorities (the titles given are those used in the Manual):<sup>12</sup>

- The Standing Rules of the Senate, with its own table of contents and index;

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<sup>10</sup> *Riddick’s Senate Procedure*, p. 987.

<sup>11</sup> The *Senate Manual* also includes a variety of historical and statistical information; this report describes only those materials included in the *Manual* that constitute procedural authorities.

<sup>12</sup> The excerpts from the *Senate Manual* that appear later in this part of this report were taken from the 103<sup>rd</sup> Congress edition, S. Doc. 103-1 (Washington: GPO, 1993). These excerpts illustrate the same format and other features retained in the most recent edition (S.Doc. 107-1).

- Non-Statutory Standing Orders Not Embraced in the Rules, and Resolutions Affecting the Business of the Senate;
- Rules for Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings;
- Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials;
- Cleaves' Manual of the Law and Practice in Regard to Conferences and Conference Reports, with its own index;
- General and Permanent Laws Relating to the U.S. Senate, with its own table of contents; and
- The Constitution of the United States of America, as well as the amendments to the Constitution, with its own index.

The following sections of this part discuss each of these authorities in more detail, with references, where appropriate, to other available sources in which the authority is also presented.

The *Manual* also contains a general table of contents and an index, which are less detailed in their references to the respective components than are the special tables of contents and indexes, when present. Individual provisions of each procedural authority are assigned section numbers that run throughout the *Manual* in a single sequence, often with gaps between the end of one section and the start of the next, and that always appear in bold type. The section numbers assigned to the Standing Rules correspond to the numbers of the rules themselves. For example, paragraph 2 of Senate Rule XXII, which sets forth the cloture rule, is found at section 22.2 of the *Manual*. All the indexes to the *Manual* direct readers to these section numbers. For example, the indexes indicate that the motion to adjourn is covered in *Manual* sections 6.4, 9, and 22.1. For this reason, the document is generally cited by section number rather than by page. The indexes should be examined thoroughly to find all pertinent citations.

### Senate Manual

U.S. Congress, Senate, *Senate Manual*, S.Doc. 107-1, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., compiled by the Senate Committee on Rules and Administration, (Washington: GPO, 2002).

**Print:** When published, the *Senate Manual* is distributed to offices of Senators and committees; limited copies are available from Senate Printing and Document Services. The *Senate Manual* also can be consulted at the CRS Senate Research Center in the Russell Senate Office building.

**Internet:** The Senate Manual

**GPO Access,** a website of the Government Printing Office: The full text of the *Senate Manual* can be searched online at <http://www.gpoaccess.gov/smanual/index.html>.

## Standing Rules of the Senate

The Senate does not re-adopt its code of Standing Rules at the beginning of each new Congress, but instead has always regarded its rules as continuing in effect without having to be re-adopted.<sup>13</sup> The Senate follows this practice on grounds that it is a continuing body, inasmuch as only one-third of its membership enters on new terms of office after every biennial election, so that a quorum is continuous. Changes to the standing rules are proposed in the form of Senate resolutions, which can be adopted by majority vote. At the start of the 110<sup>th</sup> Congress, there were 44 standing rules of the Senate.

<sup>13</sup> This principle is now embodied in paragraph 2 of Senate Rule V.

The Standing Rules of the Senate are set forth both in the *Senate Manual* and in a free-standing Senate Document periodically issued by the Senate Committee on Rules and Administration, the most recent edition of which is *Standing Rules of the Senate* (Senate Document 110-9). This free-standing print reflects changes made to the rules since the last edition of the *Manual*.

In both the *Manual* and the separate print, the Standing Rules appear with footnotes indicating amendments adopted since their last general revision in 1979. These footnotes cite the resolution adopted by the Senate to make the rules change. The *Manual* and the separate print each present the Standing Rules with an itemized table of contents and a detailed, separate index.

**Page number in the *Standing Rules of the Senate* document.**

**Paragraph 1 of Rule V.**

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(b) Whenever the Senate is proceeding under paragraph 2 of rule XXII, the reading of the Journal shall be dispensed with and shall be considered approved to date.

(c) The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the President in full; titles of bills and resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

(d) The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book.

2. During a session of the Senate when that body is in continuous session, the presiding officer shall temporarily suspend the business of the Senate at noon each day for the purpose of having the customary daily prayer by the Chaplain.

RULE V

SUSPENSION AND AMENDMENT OF THE RULES

1. No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided by the rules.

2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

RULE VI

QUORUM — ABSENT SENATORS MAY BE SENT FOR

1. A quorum shall consist of a majority of the Senators duly chosen and sworn.

2. No Senator shall absent himself from the service of the Senate without leave.

3. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

4. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, or to recess pursuant to a previous order entered by unanimous consent, shall be in order.

**Standing rule number.**

**Topic of Rule VI.**

Reprinted on the preceding page is the text of Rule V and VI, from a recent edition of the *Standing Rules of the Senate*.<sup>14</sup>

<sup>14</sup> U.S. Congress, Senate, *Standing Rules of the Senate, Revised to September 14, 2007*, S.Doc. 110-9, 110<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 2007), p. 4.

### Standing Rules of the Senate

U.S. Congress, Senate, *Standing Rules of the Senate, Revised to September 14, 2007*, S.Doc. 110-9, 110<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 2007).

**Print:** When published, the *Standing Rules of the Senate* document is distributed to the offices of Senators and committees. Copies also are available from Senate Printing and Document Services. The Standing Rules of the Senate also appear in the *Senate Manual*, secs. 1-50.

**Internet:** The Senate's standing rules (with no footnotes or index) are available through the following:

**Senate home page**

<http://rules.senate.gov/senaterules/>

**CRS**, the Congressional Research Service Guide to "Congressional Processes" at

<http://www.crs.gov/products/guides/guidehome.shtml>

**THOMAS**, the public access website of the Library of Congress

<http://thomas.loc.gov/home/legbranch/legbranch.html>

## Permanent Standing Orders

From time to time, the Senate adopts a resolution or agrees to a unanimous consent request to create a standing order of the Senate. A standing order, while not embraced in the Standing Rules, operates with the same authority as a standing rule, and is enforceable on the Senate floor in the same way. A standing order remains in effect until repealed by the Senate, unless otherwise specified in the order itself.

The standing orders that the Senate has created by the adopting resolutions and that remain in effect are compiled in the *Senate Manual* under the heading "Nonstatutory Standing Orders Not Embraced in the Rules, and Resolutions Affecting the Business of the Senate." This is the only readily available compilation of permanent standing orders currently in effect. In addition to setting forth the text of these standing orders, the *Senate Manual* provides: (1) a heading stating the subject matter of each; and (2) a citation to the Senate resolution(s) that created and amended it (especially for older standing orders, a citation to the *Senate Journal* is sometimes provided). Footnotes provide supplementary information, such as noting when references in the standing order (e.g., the name of a committee) were changed. Reprinted below is a standing order dealing with the authority of the Committee on Appropriations, as it appears in the *Senate Manual*.<sup>15</sup>

Sources for standing orders adopted by unanimous consent and effective only for a single Congress or other limited period of time are covered below in the section "Standing Orders by Unanimous Consent."

### Standing Orders

A compilation of standing orders adopted by resolution and currently in effect appears in the *Senate Manual*, sections 60-114.

<sup>15</sup> "Standing Orders of the Senate", in *Senate Manual*, S.Doc. 103-1, p. 106.

Senate Manual section number.	[70]	STANDING ORDERS OF THE SENATE	
	70	COMMITTEE ON APPROPRIATIONS AUTHORITY	Standing order's subject matter.
Text of standing order.	<p><i>Resolved</i>, That for the purpose of obtaining and laying factual data and information before the Senate Committee on Appropriations, or any subcommittee thereof, for its consideration in the discharge of its functions, the chairman or acting chairman of said committee is hereby authorized and directed, within the limit of funds made available by resolutions of the Senate, to appoint and employ such experts as he may deem necessary to obtain such data and information, and such experts, upon the written authority of the chairman or acting chairman, shall have the right to examine the books, documents, papers, reports, or other records of any department, agency, or establishment of the Federal Government in the District of Columbia and elsewhere; be it further</p> <p><i>Resolved</i>, That the said committee through its chairman is hereby authorized, within the limit of funds made available by resolutions of the Senate, to appoint additional clerical help and assistants.</p> <p>(S. Res. 193, 78-1, Oct. 14, 1943; S. Res. 281, 96-2, Mar. 11, 1980.)</p>		
	72	CLOSING THE OFFICE OF A SENATOR OR SENATE LEADER WHO DIES OR RESIGNS	Citation to the adopted Senate resolutions that created and amended this standing order.
	<p><i>Resolved</i>, That (a)(1) In the case of the death or resignation of a Senator during his term of office, the employees in the office of such Senator who are on the Senate payroll on the date of such death or resignation shall be continued on such payroll at their respective salaries for a period not to exceed sixty days, or such greater number of days as may, in any particular case, be established by the Senate Committee on Rules and Administration as being required to complete the closing of the office of such Senator. Such employees so continued on the payroll of the Senate shall, while so continued, perform their duties under the direction of the Secretary of the Senate, and such Secretary shall remove from such payroll any such employees who are not attending to the duties for which their services are continued.</p> <p>(2) If an employee of a Senator continued on the Senate payroll pursuant to paragraph (1) resigns or is terminated during the period required to complete the closing of the office of such Senator, the Secretary of the Senate may replace such employee by appointing another individual. Any individual appointed as a replacement under the au-</p>		
	106 — Senate Manual page number.		

## Rules for Regulation of the Senate Wing

Senate Rule XXXIII authorizes the Senate Committee on Rules and Administration to make “rules and regulations respecting such parts of the Capitol ... as ... may be set apart for the use of the Senate.” The rule is so framed as to extend this authority to the entire Senate side of the Capitol complex, and explicitly includes reference to the press galleries and their operation.<sup>16</sup> Several of the regulations adopted by the Committee on Rules and Administration under this authority have a bearing on floor activity, including ones addressing: (1) the floor duties of the secretaries for the majority and for the minority; (2) the system of “legislative buzzers and signal lights;” and (3) the “use of display materials in the Senate chamber.”<sup>17</sup>

<sup>16</sup> Senate Rule XXXIII, paragraph 2, in *Senate Manual*, sec. 33.2.

<sup>17</sup> Rules II, XV, and XVII for Regulation of the Senate Wing, in *Senate Manual*, secs. 121, 134, and 136, respectively.

These regulations are carried in the *Senate Manual* under the heading “Rules for Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings.” (Before 1998, the title used was “Rules for Regulation of the Senate Wing of the United States Capitol.”)<sup>18</sup> Footnotes in this section include citations to the date when various regulations were adopted, identification of amendments adopted and citations to their dates, and references to related authorities.

### Rules for Regulation of the Senate Wing

Current regulations adopted by the Senate Committee on Rules and Administration for Regulation of the Senate portion of the Capitol complex are presented in the *Senate Manual*, secs. 120-136.

**Internet:** The full text of the Senate Manual can be searched online at

GPO Access, a website of the Government Printing Office  
<http://www.gpoaccess.gov/smanual/index.html>.

## Rules for Impeachment Trials

The Senate has adopted a special body of rules to govern its proceedings when sitting as a Court of Impeachment to try impeachments preferred to it by the House of Representatives. The Senate treats these rules, like its Standing Rules, as remaining permanently in effect unless altered by action of the Senate. On occasion, usually when the trial of an impeachment is in prospect, the Senate has adopted amendments to these rules. Significant changes occurred in 1974, when an impeachment of President Richard Nixon was impending, and the most recent amendments were adopted in 1986, pursuant to S.Res. 479 of the 99<sup>th</sup> Congress, in preparation for the trial of the impeachment of Federal District Judge Harry E. Claiborne.

The *Senate Manual* presents these rules for impeachment trials, as most recently revised in 1986, under the heading “Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.” Otherwise, these rules were most recently printed in 1999 as part of a volume (S.Doc. 106-2) containing the articles of impeachment against President William J. Clinton in 1999, the President’s response, and the replication of the House. Previously, the Senate in 1986 published a document, entitled *Procedure and Guidelines for Impeachment Trials in the United States Senate* (S.Doc. 99-33), which contains not only these rules for trying impeachments, but also a variety of additional materials concerning procedure in impeachments. These materials included pertinent excerpts from the Constitution and the Standing Rules of the Senate, descriptions of the “Sequence of events at the beginning of a trial” and “Sequence of events at the close of a trial,” and a summary of “Precedents and practices for impeachment trial.” This summary is arranged alphabetically by topic, with citations to the *Congressional Record*, *Senate Journal*, or other documents for each precedent cited, in much the same format used in *Riddick’s Senate Procedure* (discussed below).

<sup>18</sup> See U.S. Congress, Senate, *Senate Manual*, S. Doc. 104-1, 104<sup>th</sup> Cong., 1<sup>st</sup> sess., prepared by the Senate Committee on Rules and Administration (Washington: GPO, 1995), sec. 80.



### Rules for Impeachment Trials

The “Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials” appear in the *Senate Manual* at secs. 140-165.

**Print:** Other than in the *Senate Manual*, these rules were most recently printed in: U.S. Congress, Senate, *Impeachment of President William Jefferson Clinton*, (S. Doc. 106-2), 106<sup>th</sup> Cong., 1<sup>st</sup> sess., printed at the direction of Gary Sisco, Secretary of the Senate (Washington: GPO, 1999), pp. 3-13. This document is available from Senate Printing and Document Services.

These rules also appear in: U.S. Congress, Senate, *Procedure and Guidelines for Impeachment Trials in the United States Senate (Revised Edition)*, S.Doc. 99-33, 99<sup>th</sup> Cong., 2<sup>nd</sup> sess., prepared pursuant to Senate Resolution 439, 99<sup>th</sup> Congress, 2<sup>nd</sup> session, submitted by Senator Robert C. Byrd and Senator Robert Dole, by Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate and Robert B. Dove, Parliamentarian of the United States Senate (Washington: GPO, 1986), pp. 2-8.

**Internet:** Both of the Senate Documents cited can be accessed, in both text and in PDF format, through:

**GPO Access**, a website of the Government Printing Office

<http://www.access.gpo.gov/congress/senate/miscspub.html>

## Cleaves’ Manual on Conferences

Cleaves’ Manual presents a digest of the rules, precedents, and other provisions of parliamentary authorities governing Senate practice in relation to the functioning of House-Senate conference committees and conference reports, as they stood at the end of the 19<sup>th</sup> century. Although rules and practices governing conferences have since altered in many respects, and many of the precedents now applicable to conferences have been established since Cleaves’ Manual was prepared, many of the principles compiled and set forth in Cleaves’ Manual are still applicable to current practice.

The document, which was “collated and prepared” at the direction of the Senate in 1900, is carried in the *Senate Manual* under the heading “Cleaves’ Manual of the Law and Practice in Regard to Conferences and Conference Reports.” It includes excerpts from the *Manual of Parliamentary Practice* prepared by Thomas Jefferson as Vice President at the turn of the 19<sup>th</sup> century, as well as pertinent statements by other Vice Presidents and by Speakers, excerpts from Senate Rules, statements of principles established by precedent, and explanatory notes. In addition, a section at the end sets forth forms for conference reports and joint explanatory statements.

The material presented in Cleaves’ Manual is arranged in numbered paragraphs under a series of topical headings. Each entry includes a citation to the source of the excerpt or to the rules and precedents on which the stated principles are based. These citations often reference the record of proceedings in the *Congressional Record*, its predecessors, or the *Senate Journal* that established pertinent precedent. The *Senate Manual* also includes a separate index to this compilation.

### Cleaves’ Manual on Conferences

The text of Cleaves’ Manual, together with its index, is carried in the *Senate Manual* at sections 170-231.

## Laws Relating to the Senate

The most voluminous component of the *Senate Manual* presents a compilation of “General and Permanent Laws Relating to the U.S. Senate.” The statutory excerpts appear in their codified version (i.e., organized under the relevant title, chapter and section of the United States Code).

The *Manual* provides a separate table of contents to the provisions included, but it sets forth the provisions themselves without citation or commentary.

Although most of the selected provisions address the administration and operations of the Senate, some of them bear on questions related to Senate procedure, such as those concerning Senators' oaths of office, officers of the Senate, and investigative procedure in Senate committees. The compilation includes, as well, some "rule-making statutes," or statutory provisions that establish procedures for Senate action on specified measures. The provisions included here are specifically those associated with the congressional budget process and the Trade Act. Rulemaking provisions of statute are discussed more comprehensively in the section on "Rulemaking Statutes and Budget Resolutions," below, and the statutes regulating the budget process are treated further in the section on "Budget Process Law Annotated."

### General and Permanent Laws Relating to the U.S. Senate

The selected excerpts from statute, together with their own table of contents, are carried in the *Senate Manual* at secs. 250-1227.

## Constitution

The Constitution imposes several procedural requirements on the Senate. For example, Article I, section 5 requires the Senate to keep and publish an official *Journal* of its proceedings, requires a majority quorum for the conduct of business on the Senate floor, and mandates that a ye and nay vote take place upon the request of one-fifth of the Senators present. The Constitution also bestows certain exclusive powers on the Senate: Article II, section 2 grants the Senate sole authority to advise and consent to treaties and executive nominations; and Article I, section 3 gives the Senate the sole power to try all impeachments.<sup>19</sup>

The *Senate Manual* presents the text of the Constitution, followed by that of its amendments. The *Manual* places bold brackets around text that has been amended, and a citation directs readers to the *Manual* section containing the amendment. The *Manual* also provides historical footnotes about the ratification of the Constitution and each amendment, as well as a special index to the text.

Reprinted on the next page is an excerpt from Article I of the Constitution, as it appears in the *Senate Manual*.<sup>20</sup>

<sup>19</sup> The Senate's "Rules for Impeachment Trials" are discussed above, in the section with that title. The Senate's advice and consent role is addressed in the section on "Treaties and Other International Agreements," below.

<sup>20</sup> Constitution of the United States, in *Senate Manual*, S.Doc. 103-1, p. 825.

	CONSTITUTION OF THE UNITED STATES	[761.17]	Senate Manual section number.
Clause 4 of Article 1, Section 3 of the Constitution.	<p>elected, be an Inhabitant of that State for which he shall be chosen.</p> <p><sup>4</sup> The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.</p> <p><sup>5</sup> The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.</p> <p><sup>6</sup> The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.</p> <p><sup>7</sup> Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.</p>	761.10	Each constitutional clause is assigned a Senate Manual number.
Section 4 of Article 1 of the Constitution.	<p>SECTION 4. <sup>1</sup> The Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.</p> <p><sup>2</sup> The Congress shall assemble at least once in every Year, and such Meeting shall [be on the first Monday in December,] unless they shall by Law appoint a different Day.*</p> <p>SECTION 5. <sup>1</sup> Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.</p> <p><sup>2</sup> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.</p>	761.11 761.12 761.13 761.14 761.15 761.16 761.17	
Text enclosed in the bold brackets was changed by an Amendment to the Constitution.			
Directs reader to Senate Manual section where amended text for Section 4, clause 2 is located.	*The part included in heavy brackets was changed by Section 2 of amendment XX, Senate Manual section 790.2.		
	825	Senate Manual page number.	

## The Constitution

The Constitution and its amendments, together with a separate index, are printed in the *Senate Manual* at secs. 760-797.5.

**Print:** The text of the Constitution and amendments, with annotations prepared by CRS that include references to decisions of the Supreme Court, is printed in: U.S. Congress, Senate, *The Constitution of the United States of America: Analysis and Interpretation*, S.Doc. 108-17, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., prepared by the Congressional Research Service, Library of Congress, Johnny H. Killian, George A. Costello, Kenneth R. Thomas, co-editors (Washington: GPO, 2004). This document is often referred to as *The Constitution Annotated*.

Between comprehensive revisions, *The Constitution Annotated* is supplemented by “pocket parts” also prepared by CRS. The current supplement is: U.S. Congress, Senate, *The Constitution of the United States of America: Analysis and Interpretation: 2006 Supplement*, S.Doc. 110-6, 110<sup>th</sup> Cong., 1<sup>st</sup> sess, prepared by the Congressional Research Service, Library of Congress, Kenneth R. Thomas, editor-in-chief (Washington: GPO, 2007).

**Internet:** *The Constitution of the United States of America: Analysis and Interpretation* is available through the following websites:

**CRS**, the Congressional Research Service  
<http://www.crs.gov/products/conan/>.

**GPO Access**, a website of the Government Printing Office:  
<http://www.gpoaccess.gov/constitution/index.html>.

The Constitution, with its amendments, is available through:

**THOMAS**, the public access website of the Library of Congress,  
<http://lcweb2.loc.gov/const/const.html>

## Other Official Senate Parliamentary Authorities

### Riddick’s Senate Procedure

*Riddick’s Senate Procedure*, often referred to simply as *Riddick’s Procedure*, is the most comprehensive reference source covering Senate rules, precedents, and practices. Its principal purpose is to present a digest of precedents established in the Senate; the current edition, published in 1992, covers significant Senate precedents established from 1883 to 1992. It was written by Floyd M. Riddick, Parliamentarian of the Senate from 1964 to 1974, and Alan S. Frumin, Parliamentarian of the Senate from 1987 to 1995 and Senior Assistant Parliamentarian since 1995. This edition is an updated and revised version of the 1981 edition, written by Riddick. Earlier editions of this and predecessor documents appeared under the names of earlier Parliamentarians of the Senate, such as Charles J. Watkins, or Chief Clerks of the Senate, such as Henry H. Gilfry, extending back in the 19<sup>th</sup> century.

As implied by its full title, *Riddick’s Senate Procedure: Precedents and Practices*, the document also presents discussions of the practice of the Senate on the basis of on its rules and customary practices as well as its precedents. It is organized around procedural topics, which are presented in alphabetical order. For each procedural topic, the volume first presents a summary of the general principles governing that topic, followed by the text of relevant Standing Rules, constitutional provisions, or rulemaking provisions of statute. Summaries of the principles established by individual precedents are then presented under subject headings organized in alphabetical order. The summaries rarely exceed one sentence. Many of the subject headings are further divided into more detailed topics, which are also presented in alphabetical order, and some of which may be further divided into subtopics. For example, the topic “Cloture Procedure” has a subject heading “Amendments After Cloture” which is further divided into 18 topics, such as “Drafted Improperly” and “Filing of Amendments.”

Footnotes provide citations to the date, the Congress, and the session when each precedent was established, and to the *Congressional Record* or *Senate Journal* pages where readers can locate the pertinent proceedings (e.g., “July 28, 1916, 64-1, *Record*, pp. 11748-50”). Footnote citations beginning with the word “see” indicate precedents based on presiding officers’ responses to parliamentary inquiries; citations without “see” indicate precedents created by ruling of the presiding officers or by votes of the Senate.

An appendix to *Riddick’s Procedure* contains sample floor dialogues showing the terminology that Senators and the presiding officer use in different parliamentary situations. Examples of established forms used in the Senate (e.g., for various types of conference reports, the motion to invoke cloture) also are provided. Useful supplementary information appears in brackets throughout the appendix.

The publication’s main index is useful for locating information on specific topics of Senate procedure; the table of contents lists only the main procedural topics covered in the book. The appendix has a separate index.

Reprinted on the following pages are excerpts from the “Cloture Procedure” sections in the body of *Riddick’s Senate Procedure* and on the motion for “Reconsideration” from the appendix.

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### **Riddick’s Senate Procedure**

Floyd M. Riddick and Alan S. Frumin, *Riddick’s Senate Procedure: Precedents and Practices*, S.Doc. 101-28, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess., with a foreword by Robert C. Byrd, [then] President pro tempore (Washington: GPO, 1992).

**Print:** *Riddick’s Senate Procedure* is automatically distributed to new Senators. The publication also can be consulted in the CRS Senate Research Center in the Russell Senate Office building. Copies are no longer available from GPO.

**Internet:** A browseable version of *Riddick’s Senate Procedure* is available through:

**GPO Access**, a website of the Government Printing Office <http://www.gpoaccess.gov/riddick/index.html>.

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There are no chapters in Riddick's Senate Procedure.

The publication is organized around procedural topics such as "Cloture Procedure."

## CLOTURE PROCEDURE

Cloture is the means by which the Senate limits debate on a measure or matter. A cloture motion "to bring to a close the debate on any measure, motion or other matter pending before the Senate, or the unfinished business" must be signed by at least sixteen Senators, and (with few exceptions) may be presented at any time. It may even be presented over the objections of the Senator who has the floor, but such presentation is merely an interruption and does not remove the Senator from the floor. When a cloture motion is presented, it is immediately reported by the Clerk at the direction of the Chair. The motion is applicable to the pending measure or matter or amendment pending thereto, or the unfinished business.

Under Rule XXII, the vote occurs on the motion on the second day of session after it is filed, and by precedent this is the case even if the consideration of the matter to which the motion applies had been suspended or displaced in the interim. One hour after the Senate convenes on the second day of session after the motion is presented, the Presiding Officer lays the motion before the Senate and directs the Clerk to call the roll to ascertain the presence of a quorum. If a quorum is present, a roll call vote occurs on the motion without debate. Adoption of the motion requires an affirmative vote of three-fifths of the Senators duly chosen and sworn, unless it applies to an amendment to the Senate rules, in which case an affirmative vote of two-thirds of the Senators voting (a quorum being present) is necessary.

If cloture is invoked, total consideration of the measure or matter to which it applies is limited to 30 hours, and a vote occurs on the clotured matter at the expiration of that time to the exclusion of all amendments not actually pending, and all motions except a motion to reconsider and table, and one quorum call (and motions required to establish a quorum). All time used for debate, votes, quorum calls, points of order and inquiries addressed to the Chair and responses thereto, the reading of amendments and for anything else that occurs while the Senate is considering the clotured matter, is charged against the allotted 30 hours. However, the time may be extended by a vote of three-fifths of the Senators duly chosen and sworn, and any such additional time is controlled by the two Leaders. Only one motion to extend time is in order on any calendar day.

Each Senator may speak for no more than one hour on the clotured matter and all amendments and motions affecting such matter. The Majority and Minority Leaders and the managers of the measure or matter may each be yielded up to two hours by other Senators, and the recipient of such time may yield time to other Senators. No other yielding of time is permitted except by unanimous consent. Any Senator who did not use or yield 10 minutes before the expiration of the 30 hours may thereafter speak only for the balance of the guaranteed 10 minutes.

Once cloture is invoked, no first degree amendment may be offered if it had not been filed with the Journal Clerk while the Senate was in session by 1:00 p.m. on the day following the day

For most procedural topics, the publication first discusses general principles governing the procedure.

282 — Page number in Riddick's Senate Procedure.

		CLOTURE PROCEDURE	283
			Page number.
Continued discussion of general principles governing cloture.	_____	the cloture motion was filed, and no second degree amendment may be offered if it had not been so filed at least 1 hour prior to the beginning of the cloture vote. Amendments must be correctly drafted, and may not be modified (except to conform page and line designations to a reprinted matter). Amendments which have been available in printed form on Senators' desks for at least 24 hours need not be read. No Senator may call up more than two amendments until every Senator has had the opportunity to do likewise. Nongermane amendments are out of order, as are all dilatory motions, quorum calls or amendments, and the Chair is authorized to make such determinations on its own initiative or in response to a point of order. The Chair is also authorized to count a quorum. Appeals are decided without debate.	
Paragraph of Senate standing rule that sets forth cloture procedure.	_____	<b>Rule XXII, Paragraph 2</b> <b>[Procedure To Invoke Cloture]</b> Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of. Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.	
Full text of paragraph.	_____		



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SENATE PROCEDURE

Summaries of precedents are grouped together under subject headings. The heading for these precedents, "Amends Measure in Two or More Places — Out of Order on Its Face," appears on page 285.

in fact more than one amendment and is not in order. Amendments consisting of two provisions and amending a bill at two different points or in more than one place is in fact two amendments and not in order,<sup>6</sup> and is subject to a point of order. An amendment that hits a bill in more than one noncontiguous place is technically out of order as being more than one amendment, and if the Senate is operating under cloture the Presiding Officer is required to hold such a purported "amendment" out of order on his or her own initiative.<sup>7</sup> In 1977, the Vice President on his own initiative ruled out of order 26 such amendments when the Senate was operating under cloture.<sup>8</sup>

The Chair during the consideration of a measure under cloture sustained a point of order against an amendment which proposed to add a new section to a bill and at the same place in the bill specified that succeeding sections be renumbered accordingly,<sup>9</sup> but several days later reversed itself during the consideration of an amendment which was drafted in the same manner, and stated further that "amending the bill in two places, where the second one is simply redesignating another section, does not hit in two places".<sup>10</sup> The Chair has ruled amendments out of order, which hit the bill in two or more places, before they were read holding the reading of such amendments was not necessary prior to a ruling by the Chair thereon.<sup>11</sup>

One-sentence summary of a precedent established in 1977. Each summary ends with a footnote number.

Subject heading used to group together relevant precedents.

Chair Takes Initiative To Rule Amendments Out of Order:

The Vice President took "judicial notice of the fact that we have now been for some 13 days, I believe, on this measure, well over 100 votes having been taken" and sustained a point of order made by the Majority Leader that required the Chair to take the initiative to rule out of order amendments which were dilatory or out of order on their face. An appeal was taken and laid upon the table, sustaining the ruling of the Vice President.<sup>12</sup> Soon thereafter, the Vice President took the initiative to rule out of order 33 consecutive amendments (26 of which hit the bill

Congressional Record citations beginning with "see" designate precedents based on Presiding Officer's response to a parliamentary inquiry.

Congressional Record citation for 1977 precedent highlighted above. Citations without "see" designate precedents created by Presiding Officer's ruling, or by a Senate vote.

<sup>6</sup> Oct. 10, 1976, 95-2, *Record*, p. 35262; Sept. 26, 1977, 95-1, *Record*, p. 30828; Sept. 27, 1977, 95-1, *Record*, pp. 31241-42, 31246-47; Sept. 28, 1977, 95-1, *Record*, p. 31425; *see* *Aug. 22, 1983, 97-3, Record*, pp. 7450-51.

<sup>7</sup> Sept. 13, 1984, 98-2, *Record*, p. 25281.

<sup>8</sup> Oct. 3, 1977, 95-1, *Record*, pp. 31927-31.

<sup>9</sup> Sept. 27, 1977, 95-1, *Record*, pp. 31243-45.

<sup>10</sup> Oct. 1, 1977, 95-1, *Record*, pp. 31860-62.

<sup>11</sup> Sept. 28, 1977, 95-1, *Record*, pp. 31257-62.

<sup>12</sup> Oct. 3, 1977, 95-1, *Record*, pp. 31916-38.

Page number. — 1536	SENATE PROCEDURE
	[If a recess is agreed to, when the time to reconvene arrives, the Presiding Officer takes the Chair.]
	THE PRESIDING OFFICER. (using the gavel). The hour of 4:00 o'clock having arrived, the Senate resumes its session.
	OR
	The Senate will come to order.
Procedural topic . —————	<b>Reconsideration</b>
	[When the Senate votes on the passage of any bill, joint resolution, or motion, or on any other question, that vote is open to reconsideration under Rule XIII immediately, or on the same day, or on either of the next two days of actual session of the Senate thereafter.]
General principles governing motion to reconsider. —————	[If other business has intervened and the matter is no longer before the Senate or if other business is pending, a Senator may enter a motion to reconsider, if within the prescribed time, without proceeding to its immediate consideration. When such a motion is entered, the action taken by the Senate against which the motion was directed is stayed until the motion is disposed of. To consider a motion to reconsider which has been entered requires a majority vote and is generally debatable. Once the Senate agrees to consider a motion to reconsider, the question occurs on the adoption of the motion to reconsider.]
Information about the sample floor dialogue that follows. —————	[If the motion to reconsider is made immediately after the vote, the procedure, including a motion to table if a Senator desires to make it, takes the following form:]
Sample floor dialogue. —————	A SENATOR. Mr. President, I move to reconsider the vote whereby the Senate passed (defeated) the bill, S. ____ or H.R. ____ (motion, resolution, or whatever the question was). ANOTHER SENATOR. Mr. President, I move to lay that motion on the table. THE PRESIDING OFFICER. The question is on the motion to lay on the table the motion to reconsider (the passage of the bill, motion, resolution, or whatever the question was). Without objection, the motion is agreed to.
	OR
	As many as are in favor of the motion say "aye." [After the "ayes" have responded collectively, the Chair continues:] As many as are opposed say "no."

## Rulemaking Statutes and Budget Resolutions

As already noted, the constitutional grant to each chamber of Congress of authority over its own rules permits the Senate to establish procedural regulations through simple resolutions, which are adopted through action of the originating chamber alone. In certain cases, nevertheless, the Senate institutes procedures through provisions included in statutory measures (bills and joint resolutions), which can become effective only through agreement between both houses and presentation to the President, or through concurrent resolutions, which require agreement between both houses. Given that these procedures are created through an exercise of each chamber's constitutional rule-making authority, they have the same standing as Senate and House rules. A statute or concurrent resolution that contains "rule-making provisions," in this sense, usually also incorporates a section titled "Exercise of Rule-Making Power," which asserts the rulemaking authority of each chamber by declaring that the pertinent provisions "shall be considered as part of the rules of each House," and are subject to being changed "in the same manner ... as in the

case of any other rule of such House”<sup>21</sup>—that is, for example, by adoption of a simple resolution of the Senate.

In the Senate, statutory rulemaking provisions are principally of three kinds: (1) those derived from Legislative Reorganization Acts; (2) those establishing expedited procedures for consideration of specific classes of measure; and (3) those derived from the Congressional Budget Act and related statutes governing the budget process. In addition, provisions regulating action in the Senate (or House of Representatives, or both) in the congressional budget process are often contained in congressional budget resolutions, which are concurrent resolutions adopted pursuant to the Congressional Budget Act. Rule-making provisions of most of these kinds are not comprehensively compiled in any document of the Senate, and where no such compilation exists, the provisions applicable to the Senate can most readily be found only by referring to the statutes (or concurrent resolutions) themselves.

### Legislative Reorganization Acts

The Legislative Reorganization Act of 1946 (P.L. 79-601, 60 Stat. 812) and the Legislative Reorganization Act of 1970 (P.L. 91-510, 84 Stat. 1140) are important rulemaking statutes that affected legislative procedures. Many rulemaking provisions in these statutes were later incorporated into the Senate’s Standing Rules, and some others appear in the compilation of Laws Relating to the Senate presented in the *Senate Manual*, as discussed earlier.

### Expedited Procedures

The term “rule-making statute” is most often used in connection with laws that include provisions specifying legislative procedures to be followed in the Senate or the House, or both, in connection with the consideration of a class of measure also specified by the statute. This type of rulemaking statute, commonly referred to as “expedited procedures” or “fast track” provisions, defines special procedures for congressional approval or disapproval of specified actions proposed to be taken by the executive branch or independent agencies. Well-known examples include (1) the “trade authorities procedures” for considering legislation approving trade agreements, which were originally established by the Trade Act of 1974;<sup>22</sup> (2) the procedures for congressional consideration of the recommendations of a base closure commission under the Defense Base Closure and Realignment Act of 1990;<sup>23</sup> and (3) the procedures for Senate action on resolutions disapproving of agency regulations under the Congressional Review Act.<sup>24</sup> Many of these rulemaking provisions are set forth under the heading “Legislative Procedures Enacted in Law” in the *House Manual*.<sup>25</sup> This House compilation, however, does not include certain statutes that establish procedures for the Senate alone, and presents some statutes in a form that omits procedural provisions pertaining only to the Senate.

<sup>21</sup> For example, sec. 904(a)(1) and 904(a)(2) of the Congressional Budget and Impoundment Act of 1974, P.L. 93-344.

<sup>22</sup> 19 U.S.C. 2191-2194.

<sup>23</sup> 10 U.S.C. 2687.

<sup>24</sup> 5 U.S.C. 801-804.

<sup>25</sup> U.S. Congress, House, *Constitution, Jefferson’s Manual, and Rules of the House of Representatives of the States, One Hundred Tenth Congress*, H.Doc. 109-157, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., [compiled by] John V. Sullivan, Parliamentarian (Washington: GPO, 2007), secs. 1130-1130(31).

## Budget Process Statutes

Three of the most important rulemaking statutes define specific procedures for considering budgetary legislation: the Congressional Budget and Impoundment Act of 1974 (commonly known as the Congressional Budget Act), the Balanced Budget and Emergency Deficit Control Act (the so-called “Gramm-Rudman-Hollings Act”), and the Budget Enforcement Act of 1990. For example, Section 305(b) of the Congressional Budget Act defines Senate floor procedures for considering the annual congressional budget resolution. An excerpt from Section 305(b) appears on the following page. In general, rulemaking provisions of these statutes are set forth in *Budget Process Law Annotated*, discussed below.

## Procedural Provisions in Budget Resolutions

The chief purpose of the concurrent resolution on the budget that the Congressional Budget Act requires Congress to adopt each year is to set spending, revenue, and deficit targets for the fiscal year and to allocate spending (budget authority and outlays) subject to those targets among budgetary functional categories. In recent years, however, the Senate has often also included in this congressional budget resolution supplementary procedural regulations to govern subsequent action on spending bills or other budget-related measures. The procedures established by these provisions may be made applicable only to the coming year’s budgetary action, but are often established as permanent procedures, and are subsequently altered or abolished only by further action in a subsequent budget resolution. Nevertheless, they are not comprehensively compiled in any single source, and may best be identified by examining the texts of adopted congressional budget resolutions for successive years.

Many of the procedural provisions in congressional budget resolutions institute new points of order that, like those established by the Budget Act itself, are available against budgetary measures or provisions contained in these measures. For example, provisions appearing in various budget resolutions beginning in 1993 have established “pay-as-you-go” (“PAYGO”) procedures for Senate consideration of legislation affecting direct spending and revenues. The current version of these procedures, which appears in the budget resolution for FY2008 (S.Con.Res. 21), establishes a point of order generally against direct spending and revenue legislation that is projected to increase the deficit or reduce the surplus over either of two specified time periods.<sup>26</sup> Budget resolutions have also extended to this point of order the requirement, applicable to many Budget Act points of order, that the Senate can waive it only by a three-fifths vote.

<sup>26</sup> For detail, see CRS Report RL31943, *Budget Enforcement Procedures: Senate Pay-As-You-Go (PAYGO) Rule*, by Bill Heniff Jr.

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### Rule-Making Provisions in Statutes and Budget Resolutions

No Senate source provides a comprehensive compilation of rule-making provisions in statutes or budget resolutions. Rule-making provisions of many statutes, especially those providing for expedited procedures, are presented in: U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the States, One Hundred Tenth Congress*, H.Doc. 109-157, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., [compiled by] John V. Sullivan, Parliamentarian (Washington: GPO, 2007), sec. 1130. This compilation, however, omits some statutory expedited procedures applicable only to the Senate.

Rulemaking statutes related to the congressional budget process, together with relevant Senate precedents, are presented in *Budget Process Law Annotated* (discussed later in this report) and addressed in *Riddick's Senate Procedure* (discussed earlier in this report) at pages 502-642.

A discussion of statutory expedited procedures for "Congressional Approvals and Disapprovals" appears in *Riddick's Senate Procedure* at pages 496-501.

Procedural provisions in budget resolutions are best identified by examining the texts of the congressional budget resolutions themselves.

**Internet:** Congressional budget resolutions that contain procedural provisions are available in searchable form through:

**LIS**, the Legislative Information System of the U.S. Congress  
<http://www.congress.gov/crtext/110-advanced.html>

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Page number in Riddick's — 522  
Senate Procedure.

SENATE PROCEDURE

PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET

SEC. 304. (a) IN GENERAL.—At any time after the concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 301, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.

(b) ECONOMIC ASSUMPTIONS.—The provisions of section 301(g) shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 301(g) (and amendments thereto and conference reports thereon).

PROVISIONS RELATING TO THE CONSIDERATION OF CONCURRENT RESOLUTIONS ON THE BUDGET

SEC. 305.

Text of Section 305(b)  
of the Congressional  
Budget Act.

(b) PROCEDURE IN SENATE AFTER REPORT OF COMMITTEE; DEBATE; AMENDMENTS.—

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that with respect to any concurrent resolution referred to in section 304(a) all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

Clause 2 of Section 305(b).

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Subject to the other limitations of this Act, only if a concurrent resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as de-

## Standing Orders by Unanimous Consent

In addition to the standing orders created by resolution, discussed above under “Permanent Standing Orders,” the Senate also establishes standing orders by agreeing to unanimous consent requests. These agreements usually make the standing orders effective only for the duration of a Congress, or some other limited period. It has come to be the practice of the Senate to adopt an established package of these standing orders at the beginning of each successive Congress. Standing orders of this kind are not included in the *Senate Manual*, but appear only in the *Congressional Record* on the day they are adopted. For example, on the first day of the 110<sup>th</sup> Congress in 2007, the Senate adopted 12 unanimous consent agreements establishing (in most cases, re-establishing) standing orders. All 12 of these standing orders appear in the *Congressional Record* excerpt on the following page.<sup>27</sup> One of them established a period of

<sup>27</sup> *Congressional Record*, daily edition, vol. 153 (January 4, 2007), pp. S8.



“leader time” on each calendar day. During this time, the majority and minority leaders discuss matters such as the legislative schedule and policy views.

### Standing Orders by Unanimous Consent

No Senate document comprehensively compiles standing orders the Senate has adopted by unanimous consent. They may be identified by searching the Congressional Record.

Print: The Congressional Record for each day of session of the Senate is delivered to Senate offices on the following day. The Senate’s Calendar of Business is printed for each day of session of the Senate and delivered to Senate offices.

Internet: The Congressional Record for the 110<sup>th</sup> Congress is available in searchable form through:

LIS, the Legislative Information System of the U.S. Congress  
<http://www.congress.gov/crtext/110-advanced.html>

The Senate’s Calendar of Business is available in searchable form through:

GPO Access, a website of the Government Printing Office  
<http://www.gpoaccess.gov/calendars/senate/index.html>

S8

CONGRESSIONAL RECORD—SENATE

January 4, 2007

#### UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I send to the desk en bloc 12 unanimous consent requests. I ask unanimous consent that the requests be considered en bloc, that the requests be agreed to en bloc, and that they appear separately in the RECORD.

Before the Chair rules, I wish to point out that these requests are routine and are done at the beginning of every new Congress. They entail issues such as authority for the Ethics Committee to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day and floor privileges for House parliamentarians.

The PRESIDING OFFICER. Without objection, it is so ordered.

The requests read as follows:

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the 110th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 110th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 110th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 110th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to

House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolution, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, Senators be allowed to leave at the desk with the journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

## Unanimous Consent Agreements

Unanimous consent agreements also include additional orders that function as parliamentary authorities in the Senate. These consent agreements establish conditions for floor consideration of specified measures, which, in relation to those measures, override the regulations established by the Standing Rules and other Senate parliamentary authorities. Commonly, for example,



agreements of this kind may set the time for taking up or for voting on the measure, limit the time available for debate (in which case they are sometimes referred to as “time agreements”), or specify what amendments and other motions are in order.

These consent agreements constitute parliamentary authorities of the Senate because, once propounded and accepted on the Senate floor, they are enforceable just as are the Senate’s Standing Rules and other procedural authorities. Unanimous consent agreements are set forth in the *Congressional Record* when propounded on the floor. Those that have been accepted, but not yet executed, so that they remain in effect, are printed at the front of the Senate’s daily *Calendar of Business*.

### Unanimous Consent Agreements

Although not comprehensively compiled, consent agreements that have been propounded on the Senate floor are set forth in the *Congressional Record*, and those that have been accepted and remain in effect are printed at the front of the Senate’s daily *Calendar of Business* (legislative calendar).

**Print:** The *Congressional Record* for each day of session of the Senate is delivered to Senate offices on the following day. The Senate’s *Calendar of Business* is printed for each day of session of the Senate and delivered to Senate offices.

**Internet:** The *Congressional Record* for the 110<sup>th</sup> Congress is available in searchable form through:

**LIS**, the Legislative Information System of the U.S. Congress  
<http://www.congress.gov/crtext/110-advanced.html>

The Senate’s *Calendar of Business* is available in searchable form through:

**GPO Access**, a website of the Government Printing Office  
<http://www.gpoaccess.gov/calendars/senate/index.html>

## Committee Rules of Procedure

Rule XXVI, paragraph 2, of the Senate’s standing rules requires that each standing committee adopt written rules of procedure and publish these rules in the *Congressional Record* not later than March 1 of the first session of each Congress.<sup>28</sup> In addition, any amendments to committee rules do not take effect until they are published in the *Congressional Record*. Committee rules cover important aspects of the committee stage of the legislative process, such as referral of legislation to subcommittees, quorum and voting requirements, markups, and preparation of committee reports. Subcommittees also may have their own supplemental rules of procedure.

Committee rules of procedure do not supersede those established by the standing rules of the Senate. Rule XXV defines the jurisdiction of the standing committees, and Rule XXVI sets forth rules of procedure to be followed by standing committees. The full text of these rules is provided, and relevant Senate precedents are discussed, on pages 382-429 of *Riddick’s Senate Procedure*. Committee rules can be enforced in the committee that has adopted them.

Each committee’s rules appear in the *Congressional Record* on the day they are submitted for publication. Some committees also publish their rules in a committee print, or in the committee’s interim or final “Legislative Calendar,” and many post them on their website. In addition, the Senate Committee on Rules and Administration usually issues a document each Congress that compiles the rules of procedure adopted by all Senate committees. This document, entitled *Authority and Rules of Senate Committees*, also presents the jurisdiction statement for each

<sup>28</sup> According to Rule XXVI, paragraph 2, the March 1 deadline does not apply to committees established on or after February 1. Such committees must publish their rules of procedure not later than 60 days after being established.

committee from Rule XXV as well as related information, such as provisions of public law affecting committee procedures.

Reprinted on the following page is an excerpt from the rules of the Senate Committee on Finance for the 105<sup>th</sup> Congress.<sup>29</sup>

### Rules of Senate Committees

U.S. Senate, Committee on Rules and Administration, *Authority and Rules of Senate Committees*, S.Doc. 109-8, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., printed under authority of S.Res. 166, 109<sup>th</sup> Cong. (Washington: GPO, 2005).

**Print:** *Authority and Rules of Senate Committees* for the 110<sup>th</sup> Congress (SD-110-10) is available from Senate Printing and Document Services, or the Office of Senate Legal Counsel.

**Internet:** Rules of Senate committees are available through:

**GPO Access**, a website of the Government Printing Office  
Legislative page at <http://www.gpoaccess.gov/congress/index.html>

Rules of individual Senate committees may be found by searching the *Congressional Record* through:

**LIS**, the Legislative Information System of the U.S. Congress  
<http://www.congress.gov/crtext/110-advanced.html>

**Committee websites:**

Many Senate committees post their committee rules on their website.

<sup>29</sup> *Authority and Rules of Senate Committees, 1997-1998*, S.Doc. 105-4, (Washington: GPO, 1995), p. 84.

Page number. —	84	Authority and Rules of Senate Committees —	Title of print issued by Senate Rules and Administration Committee.
Number and subject matter of committee rule.	<p>After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.</p> <p>(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.</p> <p>RULE 3. PRESIDING OFFICER.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.</p> <p>(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.</p> <p>RULE 4. QUORUMS.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.</p> <p>(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.</p> <p>RULE 5. REPORTING OF MEASURES OR RECOMMENDATIONS.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.</p> <p>RULE 6. PROXY VOTING; POLLING.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.</p> <p>(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.</p> <p>RULE 7. ORDER OF MOTIONS.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.</p> <p>RULE 8. BRINGING A MATTER TO A VOTE.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.</p> <p>RULE 9. PUBLIC ANNOUNCEMENT OF COMMITTEE VOTES.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.</p>		
Paragraph b of Rule 4.	Reference to Senate's Standing Rules.		

## Publications of Committees and Offices of the Senate

Some publications prepared by committees and offices of the Senate provide valuable information about Senate parliamentary procedure and practices. While these publications are not official parliamentary reference sources, they often make reference to official sources such as the Senate's standing rules and published precedents. Publications developed by the Senate Parliamentarian, and by the Committees on Budget, Foreign Relations, and Rules and Administration, are described below.

### Budget Process Law Annotated

*Budget Process Law Annotated* (Senate Print 103-49), a print of the Senate Committee on the Budget, provides the text of the Congressional Budget and Impoundment Control Act,<sup>30</sup> the

<sup>30</sup> P.L. 93-344, 88 Stat. 298, as amended.

“Gramm-Rudman-Hollings” Act,<sup>31</sup> the Budget Enforcement Act of 1990,<sup>32</sup> and other budget documents such as executive orders. Although no edition of the print has been issued since the 103<sup>rd</sup> Congress (1993-1994), its great value lies in its informative annotations, which were prepared by William G. Dauster, then Chief Counsel of the Committee on the Budget. These annotations provide summaries of, and citations to, important Senate precedents. For some precedents, the full text of the procedural exchange establishing the precedent is presented.

In addition, the annotations explain references made in the budgetary laws and include the legislative history of certain provisions in these laws. Throughout the print, symbols are used to indicate provisions that establish a point of order in the Senate, or a procedure for controlling time in the Senate.

### Budget Process Law Annotated

U.S. Congress, Senate Committee on the Budget, *Budget Process Law Annotated*, committee print, S.Prt. 103-49, 103<sup>rd</sup> Cong., 1<sup>st</sup> sess., with annotations by William G. Dauster, Chief Counsel, Committee on the Budget (Washington: GPO, 1993).

**Print:** The 1993 edition of *Budget Process Law Annotated* is out of print. Photocopies are available from the Senate Budget Committee (621 Dirksen Senate Office Building). The print is 857 pages long.

**Internet:** Not available.

## Senate Cloture Rule

*Senate Cloture Rule*, a print prepared for the Senate Committee on Rules and Administration by the Congressional Research Service, was last issued during the 99<sup>th</sup> Congress (1985-1986).<sup>33</sup> The print’s coverage of the rule’s history and application can be useful to those wanting a more detailed knowledge of how the cloture rule has developed and been used.

The print provides the text of standing rules affecting debate, a chronological history of efforts to limit debate in the Senate (the facts of each situation are provided), a list of selected filibusters throughout history, tables summarizing Senate votes on cloture motions, a bibliography of publications and articles on cloture and filibusters, and legislative histories of the original cloture rule and later amendments to the rule.

### Senate Cloture Rule

U.S. Congress, Senate Committee on Rules and Administration, *Senate Cloture Rule: Limitation of Debate in the Congress of the United States and Legislative History of Paragraph 2 of Rule XXII of the Standing Rules of the United States Senate (Cloture Rule)*, committee print, S.Prt. 99-95, 99<sup>th</sup> Cong., 1<sup>st</sup> sess., prepared by the Congressional Research Service, Library of Congress (Washington: GPO, 1985).

**Print:** The 1985 edition of the committee print is no longer available from GPO or the Committee, but congressional clients may obtain copies from CRS.

**Internet:** Not available.

<sup>31</sup> Balanced Budget and Emergency Deficit Control Act of 1985, title II of P.L. 99-177, 99 Stat. 1037, as amended.

<sup>32</sup> Title XIII of P.L. 101-508, 104 Stat. 1388-573, as amended.

<sup>33</sup> U.S. Congress, Senate Committee on Rules and Administration, *Senate Cloture Rule: Limitation of Debate in the Congress of the United States and Legislative History of Paragraph 2 of Rule XXII of the Standing Rules of the United States Senate (Cloture Rule)*, committee print, S.Prt. 99-95, 99<sup>th</sup> Cong., 1<sup>st</sup> sess., prepared by the Congressional Research Service, Library of Congress (Washington: GPO, 1985).

## Treaties and Other International Agreements

*Treaties and Other International Agreements: The Role of the United States Senate* was designed, in part, to serve as a “reference manual” for the Senate’s consideration of treaties and other international agreements.<sup>34</sup> It was prepared as a print for the Senate Committee on Foreign Relations by the Congressional Research Service. The latest edition (S.Prt.106-71) appeared in the 106<sup>th</sup> Congress.

The print provides detailed information about the Senate’s advice and consent role and explains the steps involved in making treaties and executive agreements as well as the history of international agreements. Chapter 5 covers the procedures that govern all stages of Senate consideration of treaties and international agreements, from receipt and referral to committee to final action on the Senate floor. Chapter 10 discusses congressional oversight of treaties and other international agreements.

### Treaties and Other International Agreements

U.S. Congress, Senate Committee on Foreign Relations, *Treaties and Other International Agreements: The Role of the United States Senate*, committee print S.Prt. 106-71, 106<sup>th</sup> Cong., 2<sup>nd</sup> sess., prepared by the Congressional Research Service, Library of Congress (Washington: GPO, 2001).

**Print:** *Treaties and Other International Agreements* is available from the Document Room of the Senate Committee on Foreign Relations (423 Dirksen Senate Office Building).

**Internet:** A link to Senate Print 106-71 is available through:

**GPO Access**, a website of the Government Printing Office  
<http://www.gpo.gov/congress/senate/senate1/cp106.html>

## Enactment of a Law

The Senate has maintained a publication providing a concise summary of the legislative process under the title *Enactment of a Law: Procedural Steps in the Legislative Process*. This document, prepared by the Parliamentarian of the Senate under the direction of the Secretary of the Senate, explains Senate floor procedures and the functions of the various Senate officials, such as the Secretary of the Senate, the Sergeant at Arms, and the Senate Parliamentarian. Some information about House and conference procedures and presidential action also is provided. In addition, the document contains illustrations of some of the chief kinds of document used in the legislative process.

*Enactment of a Law* has not appeared in a new printed edition since 1981 and appears no longer to be readily available in print. An updated version, however, was prepared in February 1997 by Senate Parliamentarian Robert B. Dove, and is available on-line. This online version reflects changes made to the congressional budget process and Senate rules and procedures since the last printed edition.

### Enactment of a Law

U.S. Senate, *Enactment of a Law: Procedural Steps in the Legislative Process* (S.Doc. 97-20, 97<sup>th</sup> Cong., 2<sup>nd</sup> sess., revised under the direction of William F. Hildenbrand, Secretary of the Senate, by Robert B. Dove, Parliamentarian of the Senate (Washington: GPO, 1982).

<sup>34</sup> U.S. Congress, Senate, *Treaties and Other International Agreements: The Role of the United States Senate*, committee print S.Prt. 106-71, 106<sup>th</sup> Cong., 2<sup>nd</sup> sess., prepared by the Congressional Research Service, Library of Congress (Washington: GPO, 2001), p. xi.

**Print:** *Enactment of a Law* is available in print from Senate Printing & Document Services.

**Internet:** An online version of *Enactment of a Law* is available through:

**THOMAS**, the public access website of the Library of Congress  
<http://thomas.loc.gov/home/enactment/enactlawtoc.html>

**CRS**, the Congressional Research Service Guides to “Congressional Processes” at  
<http://www.crs.gov/products/guides/legproc/parloversview/senate/SenateOverview.shtml>

## How Our Laws Are Made

*How Our Laws Are Made* was first published in 1953 by the House Committee on the Judiciary. The work provides a summary of the legislative process from the drafting of legislation to final approval and presidential action. While this document focuses on House procedures, it includes a review of Senate committee and floor procedures prepared by the Office of the Parliamentarian of the Senate. Although the document is intended for nonspecialists, its summary descriptions of House procedures serve as a useful reference source. Some earlier editions included sample documents from key stages of the process.

The 23<sup>rd</sup> edition of *How Our Laws Are Made*, published in 2003,<sup>35</sup> reflects the changes in congressional procedures since the 22<sup>nd</sup> edition, which was revised and updated in 2000. The new edition, which was prepared by the Office of the Parliamentarian of the House in consultation with the Office of the Parliamentarian of the Senate, also is available online.

### How Our Laws Are Made

U.S. Congress, House, *How Our Laws Are Made*, H.Doc. 108-93, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., (Washington: GPO, 2003).

**Print:** At the time this report was issued, the latest print version of *How Our Laws Are Made* was the 23<sup>rd</sup> edition (H.Doc. 108-93). It is available from the Government Printing Office.

**Internet:** The text of the 23<sup>rd</sup> edition of *How Our Laws Are Made* is available through the following websites:

**LIS**, the Legislative Information System of the U.S. Congress a link appears on the House page at  
<http://www.congress.gov/house.php>

**Clerk of the House**

<http://clerk.house.gov/>

**THOMAS**, the public access website of the Library of Congress

<http://thomas.loc.gov/home/lawsmade.toc.html>

## Rules of Senate Party Conferences

The rules of the conferences of the two parties in the Senate are not adopted by the Senate itself, and accordingly have no binding force in relation to the proceedings of the Senate itself; they cannot be enforced on the Senate floor. Conference rules may nevertheless affect proceedings of the Senate, for they may cover topics such as the selection of party leaders, meetings of the conference, and limitations on committee assignments for conference members. The Senate Republican Conference has adopted rules that it makes available both in printed form and online. It appears that the Senate Democratic Conference currently operates without formally adopted rules.

### Rules of Senate Party Conferences

<sup>35</sup> U.S. Congress, House, *How Our Laws Are Made*, H.Doc. 108-93, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., (Washington: GPO, 2003).

For the Senate Democratic Conference, no source makes available any formal rules.

**Print:** Copies of the Rules of the Senate Republican Conference are available from the office of the Senate Republican Conference.

**Internet:** An online version of the Rules of the Senate Republican Conference for the 109<sup>th</sup> Congress can be accessed at <http://src.senate.gov/public/>. Select the link "About the SRC," then choose "Conference Rules."



## Appendix A. Senate Parliamentary Reference Sources

### Official Reference Sources

- U.S. Congress. Senate. *Authority and Rules of Senate Committees, 2003-2004*. Usually issued each Congress by the Senate Committee on Rules and Administration. 108<sup>th</sup> Congress, 1<sup>st</sup> session. S.Doc. No. 108-6 (latest edition). Washington: GPO, 2003.
- *Senate Manual*. Compiled by the Senate Committee on Rules and Administration. 107<sup>th</sup> Congress, 1<sup>st</sup> session. S.Doc. No. 107-1 (latest edition). Washington: GPO, 2002.
- *Standing Rules of the Senate*. Prepared by the Senate Committee on Rules and Administration. 106<sup>th</sup> Congress, 2<sup>nd</sup> session. S.Doc. 106-15 (latest edition). Washington: GPO, 2000.
- U.S. Congress. Senate. *Riddick's Senate Procedure*. 101<sup>st</sup> Congress, 2<sup>nd</sup> session. S.Doc. 101-28. Washington: GPO, 1992.

### Publications of Committees and Offices of the Senate

- U.S. Congress. Senate. *Budget Process Law Annotated*. 103<sup>rd</sup> Congress, 1<sup>st</sup> session. S.Prt. 103-49. Washington: GPO, 1993.
- Chapter 3 “Legislative Activity”, in *U.S. Senate Handbook*. 104<sup>th</sup> Congress, 2<sup>nd</sup> session. S.Prt. 104-64. Washington: GPO, 1996.
- *Enactment of a Law*. 97<sup>th</sup> Congress, 2<sup>nd</sup> session. S.Doc. 97-20. Washington: GPO, 1982. An electronic version (February 1997) is available through THOMAS, a Web service of the Library of Congress; see **Appendix B** of this report.
- U.S. Congress. House. *How Our Laws Are Made* (23<sup>rd</sup> edition). Prepared by the Office of the House Parliamentarian. 108<sup>th</sup> Congress, 1<sup>st</sup> session. H.Doc. 108-93. Washington: GPO, 2003. An electronic version (June 20, 2003) can be accessed through the Legislative Information System; see **Appendix B** of this report.
- U.S. Congress. Senate. *Senate Cloture Rule*. 99<sup>th</sup> Congress, 1<sup>st</sup> session. S.Prt. 99-95. Washington: GPO, 1985.
- *Procedure and Guidelines for Impeachment Trials in the United States Senate*. 99<sup>th</sup> Congress, 2<sup>nd</sup> session. S.Doc. 99-33. Washington: GPO, 1986.
- *Treaties and Other International Agreements: The Role of the United States Senate*. 106<sup>th</sup> Congress, 2<sup>nd</sup> session. S.Prt. 106-71. Washington: GPO, 2001.

### CRS Products

Most titles are available full-text from the CRS Home Page at <http://www.crs.gov>.

CRS Report 98-853, *The Amending Process in the Senate*, by Betsy Palmer.

CRS Report RL30862, *The Budget Reconciliation Process: The Senate's “Byrd Rule”*, by Robert Keith.

- CRS Report RL30743, *Committee Assignment Process in the U.S. Senate: Democratic and Republican Party Procedures*, by Judy Schneider.
- CRS Report 96-708, *Conference Committee and Related Procedures: An Introduction*, by Elizabeth Rybicki.
- CRS Report RS20722, *The First Day of a New Congress: A Guide to Proceedings on the Senate Floor*, by Mildred Amer.
- CRS Report RL30548, *Hearings in the U.S. Senate: A Guide for Preparation and Procedure*, by Betsy Palmer.
- CRS Report 98-712, *“Holds” in the Senate*, coordinated by Walter J. Oleszek.
- CRS Report RL30945, *House and Senate Rules of Procedure: A Comparison*, by Judy Schneider.
- CRS Report RS20668, *How Measures Are Brought to the Senate Floor: A Brief Introduction*, by Christopher M. Davis.
- CRS Report 96-548, *The Legislative Process on the Senate Floor: An Introduction*, by Valerie Heitshusen.
- CRS Report RL30850, *Minority Rights and Senate Procedures*, by Judy Schneider.
- CRS Report 98-503, *Publications of the U.S. Senate*, by Matthew Eric Glassman.
- CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by Elizabeth Rybicki.
- CRS Report 98-183, *Senate Committees: Categories and Rules for Committee Assignments*, by Judy Schneider.
- CRS Report 98-308, *Senate Legislative Procedures: Published Sources of Information*, by Christopher M. Davis.
- CRS Report RL34255, *Senate Policy on “Holds”: Action in the 110<sup>th</sup> Congress*, coordinated by Walter J. Oleszek.
- CRS Report 98-311, *Senate Rules Affecting Committees*, by Betsy Palmer.
- CRS Report 98-470, *Senate Manual: A Guide to Its Contents*, by Lorraine H. Tong.
- CRS Report 98-912, *Senate Rules and Practices on Committee, Subcommittee, and Chairmanship Assignment Limitations as of November 4, 2000*, by Judy Schneider.
- CRS Report 96-452, *Voting and Quorum Procedures in the Senate*, by Betsy Palmer.

## Appendix B. Senate Parliamentary Reference Information Available Through the Internet

Citations to Internet locations and websites at which electronic versions of various Senate parliamentary reference sources are available can be found throughout this report. This appendix lists these online resources in a single compendium for the convenience of the reader.

The vast majority of the referenced links can be accessed through one of two “gateway” websites maintained by legislative branch organizations: the Legislative Information System (LIS) and GPO Access. Each of these sites (detailed below) provides a good entry point for research into Senate procedures. Documents relating to Senate procedures can also be found on the CRS Guides to Congressional Processes website, as well as on other Library of Congress and U.S. Senate websites at the locations indicated.

Websites are provided for the documents cited. The list is current as of this report’s publication date, but because information on the Internet is constantly changing, it should not be considered exhaustive.

### Legislative Information System of the U.S. Congress (LIS)

<http://www.congress.gov> (Congress Only)

The Legislative Information System was released at the start of the 105<sup>th</sup> Congress. The information in the system is organized into six Web pages: Home, Senate, House, Government, News, and A-Z Index. Each page is accessible by clicking on one of the navigation tabs near the top of the page. The Senate and House pages include multiple links under the category “Rules, and Procedures.” The “Government” page includes a link to GPO Access (Legislative), where many documents related to parliamentary procedure are located.

### CRS Guides to Congressional Processes

<http://www.crs.gov/products/guides/guidehome.shtml>

The latest version of this CRS electronic guide provides a wide range of information relating to House and Senate procedures. It includes links to current versions of House and Senate rules and CRS reports on specific procedural topics. Electronic versions of *How Our Laws Are Made* and *Enactment of a Law* provide an overview of procedures in each chamber. Links within the fact sheets and procedural overviews take the user directly to pertinent House or Senate rules and to definitions in Congressional Quarterly’s *American Congressional Dictionary*.

### GPO Access

GPO Access Home Page

<http://www.gpoaccess.gov/index.html>

Links to rules of Senate committees

<http://www.access.gpo.gov/congress/senate/sclinks.html>

Searchable version of the *Senate Manual* (S.Doc. 107-1, 107<sup>th</sup> Congress, 1<sup>st</sup> session)

<http://www.gpoaccess.gov/smanual/index.html>

Browseable version of *Riddick’s Senate Procedure* available from GPO

<http://www.gpoaccess.gov/riddick/index.html>

A searchable version of the 1992 edition of *The Constitution of the United States of America: Analysis and Interpretation*, and the 1996, 1998, and 2000 supplements is available at <http://www.gpoaccess.gov/constitution/index.html>. A pdf version of a more recent edition of the main volume (S.Doc. 108-17) can be accessed at <http://www.gpoaccess.gov/serialset/cdocuments/index.html>. These documents are prepared by the Congressional Research Service, which also maintains an online version at <http://www.crs.gov/products/conan/index.shtml>.

## Other Library of Congress Sites

Links to House and Senate rules via Thomas  
<http://thomas.loc.gov/home/legbranch/legbranch.html>

*Enactment of a Law*, (online version, February 1997)  
<http://thomas.loc.gov/home/enactment/enactlawtoc.html>

*How Our Laws Are Made*, (version dated June 20, 2003)  
<http://thomas.loc.gov/home/lawsmade.toc.html>

Constitution  
<http://www.loc.gov/rr/program/bib/ourdocs/Constitution.html>

Amendments 1-10, (Bill of Rights)  
<http://www.loc.gov/rr/program/bib/ourdocs/billofrights.html>

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